



# CITY OF MORGAN HILL

## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Dennis Kennedy, Mayor  
Hedy L. Chang, Mayor Pro Tempore

Cynthia J. Cook, Council Member  
Steve Tate, Council Member  
Greg Sellers, Council Member

## CITY COUNCIL AGENDA

### SPECIAL AND REGULAR MEETING

WEDNESDAY, APRIL 7, 1999

5:00 PM

#### WORKSHOP:

JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP ON PLANNED UNIT  
DEVELOPMENT (PUDS)

6:30 PM

#### INTERVIEW:

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1. APPOINTMENTS TO THE LIBRARY COMMISSION ..... 1  
Recommended Action: 1) Interview 5 applicants for the Library Commission, 2) select 4  
candidates to serve on the Library Commission pursuant to the approved procedure and 3) appoint 4  
members to serve terms each expiring April 1, 2001.

#### CALL TO ORDER

(Mayor Kennedy)

#### ROLL CALL ATTENDANCE

(City Clerk Torrez)

#### DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

#### SILENT INVOCATION

#### PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

#### PLEDGE OF ALLEGIANCE

#### INTRODUCTIONS

Michael Matthias  
*Budget Manager*

Robin Paul  
*Police Support Services Specialist II*

**PROCLAMATIONS**

Life Bone Marrow

Equal Pay Day

**PRESENTATIONS/PROCLAMATIONS**

Susan Fuller  
*Librarian of the Year*

American Medical Response  
Wayne Davis, Director of Operations

Community Solutions  
*Sexual Assault Awareness Month*

**CERTIFICATES OF RECOGNITION**

Ryan Wake  
*Eagle Scout*

**CITY COUNCIL REPORT**

Mayor Kennedy

**CITY MANAGER'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**CONSENT CALENDAR:**

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

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|----------|---|
| 33 ..... | 2. <b><u>SELECTION OF BICYCLE ADVISORY COMMITTEE MEMBERS</u></b><br><b>Recommended Action:</b> <u>Approve</u> the selection of community members to the Bicycle Advisory Committee as recommended by the Parks and Recreation Commission. |
| 67 ..... | 3. <b><u>BI-ANNUAL VACANCY RATE SURVEY</u></b><br><b>Recommended Action:</b> <u>Establish</u> the bi-annual vacancy rate at 3.46% as recommended by the Planning Commission   |
| 79 ..... | 4. <b><u>RESCHEDULING OF APRIL 1999 GENERAL PLAN AMENDMENT REQUESTS</u></b><br><b>Recommended Action:</b> <u>Adopt</u> a minute action to reschedule the April General Plan review to September 1999.                                     |

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5. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH KEATARA INVESTMENTS, LLC APN 817-19-008 (LANDS OF CHENG)** (Continued from 3/17/99) ..... 81  
**Recommended Action:** Approve the attached Subdivision Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with Keatara Investment, LLC (APN 817-19-008)
  
  6. **ADOPT RESOLUTION TO IMPLEMENT THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM HEALTH CARE PROGRAM** ..... 93  
**Recommended Action:** 1) Adopt resolution electing to be subject to the Public Employees' Medical and Hospital Care Act fixing the employer's contribution for employees and the employer's contribution for annuitants at different amounts and 2) authorize the City Manager, and/or his designee, to take the necessary steps to complete the process of implementing the PERS Health Care Program with an effective date of July 1, 1999.
  
  7. **STATUS OF CONSTRUCTION OF NORDSTROM PARK AND LLAGAS PARK/POND** ..... 97  
**Recommended Action:** Information item only at this time.
  
  8. **CONTRACT AMENDMENT FOR CONTINUED CONTRACT PUBLIC WORKS PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS** ..... 99  
**Recommended Action:** 1) Approve the attached amendment to our existing agreement with Harris & Associates to provide contract plan checking services on an as-needed basis at a not-to-exceed fee of \$90,000 and 2) authorize the City Manager to execute the contract amendment.
  
  9. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 8880** ..... 113  
**Recommended Action:** 1) Adopt the attached resolution accepting the public improvements for Tract 8880, commonly known as Spring Avenue - Morgan Spring and 2) direct the City Clerk to file a Notice of Completion with the County Recorder's office.
  
  10. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR ECUMENICAL ASSOCIATION FOR HOUSING (COCHRANE ROAD)** ..... 119  
**Recommended Action:** 1) Adopt the attached resolution accepting the public improvements for Ecumenical Association for Housing, commonly known as Cochrane Road - EAH and 2) direct the City Clerk to file a Notice of Completion with the County Recorder's office.
  
  11. **REIMBURSEMENT FOR UNDERGROUNDING OF OVERHEAD UTILITIES BY MORGAN HILL LODGING LLC (MICROTEL INN)** ..... 125  
**Recommended Action:** 1) Appropriate \$21,049 from the unappropriated Undergrounding Utilities Fund balance for the reimbursement and 2) authorize reimbursement of \$21,049 for undergrounding of overhead utilities by Morgan Hill LLC.
  
  12. **REIMBURSEMENT FOR UNDERGROUNDING OF OVERHEAD UTILITIES BY SANDEEP PANWALA (COMFORT INN)** ..... 127  
**Recommended Action:** 1) Appropriate \$17,827 from the unappropriated Undergrounding Utilities Fund balance for the reimbursement and 2) authorize reimbursement of \$17,827 for undergrounding of overhead utilities by Sandeep Panwala.
  
  13. **APPROVAL OF MORGAN HILL BUSINESS PARK DETENTION BASIN MAINTENANCE AGREEMENT AND ACCEPTANCE OF DEDICATION** ..... 129  
**Recommended Action:** Approve the attached Maintenance Indemnification Agreement for the Morgan Hill Business Park detention basin and accept dedication thereof by authorizing the City Manager to accept the dedication of the detention basin on behalf of the City.

- 163 ..... 14 **PRELIMINARY ENGINEERING AND APPRAISAL SERVICES FOR THE COMPLETION OF BUTTERFIELD BOULEVARD BETWEEN MAIN AVENUE AND THE MORGAN HILL BUSINESS RANCH**  
**Recommended Action:** Request of the Redevelopment Agency that they fund preliminary engineering and appraisal services for the completion of Butterfield Boulevard between Main Avenue and the Morgan Hill Business Ranch
- 167 ..... 15 **APPROVAL OF REGULAR MEETING MINUTES OF MARCH 17, 1999**

**LEGALLY NOTICED PUBLIC HEARINGS:**

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- 183 ..... 16. **APPEAL HEARING: BRODERSEN; REGARDING APPLICATION FOR A.B.C. LICENSE**  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - Motion to uphold the appeal and direct the Chief of Police to issue a letter of Public Necessity and Convenience to the Bureau of Alcoholic Beverage Control regarding Mr. Bordersen's license application;  
  
**OR**  
  
Action - Motion to deny the appeal.
- 193 ..... 17. **ZONING AMENDMENT & ANNEXATION APPLICATION ZA-98-13/ANX-98-03: HALF RD.-HANN (APN 728-30-03 & 04)** (Continued from 3/3/99)  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - Motion to approve Negative Declaration.  
Action- Motion to waive the reading in full of the Prezone Ordinance;  
Motion to introduce Prezone Ordinance by title only.
- 231 ..... 18. **ZONING AMENDMENT APPLICATION ZA-98-17: DEL MONTE - MONTARBO (APN 764-20-072)**  
**Recommended Action:** Request staff presentation.  
**Public Hearing** opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action- Motion to waive the reading in full of the Residential Planned Development (RPD) Ordinance;  
Motion to introduce RPD Ordinance by title only.
- 243 ..... 19. **ZONING AMENDMENT APPLICATION ZA-97-02: EAST DUNNE - BH PACIFIC**  
**Recommended Action:** Request staff presentation.  
**Public Hearing** opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - Motion to table zoning amendment application.  
Action- Motion to deny request for a 14,000+/- sq. ft. stand-alone drug store.

**20. ZONING AMENDMENT APPLICATION ZA-98-16: CONDIT - HORIZON LAND ..... 319**  
(Continued from 2/17/99)

**Recommended Action:** Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action - Motion to approve Mitigated Negative Declaration.

Should the City Council find that the application meets the minimum requirements of a preliminary plan for the establishment of a PUD, as identified in Chapter 18.30 of the Municipal Code, then:

Action- Motion to waive the reading in full of the ordinance approving the Planned Unit Development and Preliminary Plan;  
Motion to introduce ordinance by title only.

**OR**

Should the City Council find that the application does not meet the minimum requirements of a preliminary plan for the establishment of a PUD, then:

Action - Motion to continue the zoning amendment application to the May 19 City Council meeting, and direct the applicant to submit plans consistent with those requirements.

**OTHER BUSINESS:**

**21. CONTRACT FOR PUBLIC ACCESS TELEVISION OPERATION ..... 357**

**Recommended Action:** 1) Designate the Media Access Coalition of Central California (MACCC) as the public access television operator in the City of Morgan Hill and 2) authorize the City Manager to execute a contract with MACCC providing an initial sum of \$65,000 in funding and ongoing financial support in an amount annually determined based on the contribution received from Falcon Cable.

**SECOND READING OF ORDINANCE:** The titles having previously been read, no second reading is required.  
(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

**22. SECOND READING AND ADOPTION OF ORDINANCE NO. 1425, NEW SERIES ..... 383**

An Ordinance of the City Council of the City of Morgan Hill approving an amendment to the precise development plan for the Saint Louise Hospital incorporating up to a 100-unit Elder Care/Assisted Living Facility in the northeast corner of the Saint Louise PUD.  
(APNs 727-12-009 & 045)

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

**FUTURE COUNCIL AGENDA ITEMS:**

- 1 Y2K Update Report
- 2 Surplus Computers to MHUSD
- 3 Appointment of Parks & Recreation Commissioners
- 4 Adopt Ordinance Regarding RDA Plan Amendment
- 5 Approve Cooperative Agreement with Caltrans for Dunne/101 Bridge
- 6 Award Contract for Madrone Avenue Underpass Seismic Retro Fit Project
- 7 Measure P Appeals



## **CITY OF MORGAN HILL**

**17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037**

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### **PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

### **PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

### **NOTICE**

#### **AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

### **NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

### **NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.